

Headquarters U.S. Air Force

Integrity - Service - Excellence

Law of Armed Conflict



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**Staff Judge Advocate
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Briefing Outline

- **Why obey LOAC?**
- **Training Requirements**
- **What is LOAC?**
- **Principles of LOAC**
- **Key Definitions**
- **Where LOAC applies**
- **Targeting**
- **Weapons**
- **Status of Personnel**





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Why obey LOAC?

- **It's the LAW**
- **Encourages Reciprocal Treatment by the Enemy**
- **Training Requirement**
 - **AFI 51-401 requires 100% Annual training for military personnel**





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The Law of Armed Conflict -What is it?

- **Rules regulating the conduct of armed hostilities -**
 - **Prevent unnecessary suffering and destruction while achieving military objectives**
 - **Protect non-combatants such as civilians, POWs, the wounded, sick or shipwrecked as well as medical personnel & equipment, chaplains**
 - **Prevent conflicts from degenerating into brutality**
 - **Foster climate for return to peace.**



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What is LOAC (cont'd)

■ Collection of rules from many sources:

- Geneva Convention of 1949 - 4 separate conventions protect the wounded & sick, the shipwrecked, POWs and civilians
- Hague Convention IV (1899 & 1907) - regulating the “method and means” of warfare.
- Chemical Weapons Treaty
- Customary international law
- UCMJ





Principles of LOAC

Three underlying principles of LOAC

□ **Military Necessity**

- **Use only the force necessary to overcome the enemy and achieve objective**
- **Maintain control of the force used**

□ **Proportionality**

- **Collateral damage to civilians should not exceed military objective**
- **Abort target if civilian casualties seem disproportionately high compared to military gain**



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Principles of LOAC

- **Selection of appropriate targets**
 - **Distinguish between military and civilian targets to the extent possible**



Key Definitions

- Combatants – usually military personnel
 - **Ordered to engage in combat**
 - **Have a Commander**
 - **Wear distinctive & recognizable emblem**
 - **Carry arms openly**
 - **Conduct operations IAW LOA**

are lawful targets unless “out of combat”
(wounded, sick, surrendered)



Key Definitions

- Noncombatants
 - Civilians, e.g. DoD employees and contractors
 - Chaplains, medical personnel
 - Journalists - *dangerous assignments*
 - Combatants who are OUT of combat
 - POWs, wounded, sick.
 - Illegal Combatants -
 - Spies, mercenaries, civilians engaged in hostilities.



Key Definitions

- Why are these definitions important?
 - **Determines legal rights, and**
 - **Type of treatment when captured**
 - **“Detainees” at Guantanamo**



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Application of LOAC

- **Applies to all US Armed Forces**
 - **USAF personnel will conduct all military ops & related activities IAW LOAC during armed conflicts - AFI 51-401, para 1.1**
 - **No matter how these conflicts are characterized, e.g. Peace Ops -- Somalia, Haiti, Bosnia (DoD 5100.77)**





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TARGETING

- **LOAC defines legitimate targets**
- **PEOPLE**
 - **Combatants**
 - **Noncombatants**
- **BUILDINGS - PLACES - THINGS**
 - **Protected**
 - **Non-protected**
- **EQUIPMENT**
 - **Military vehicles, ships, tanks, aircraft & weapons**





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Weapons

- **LOAC describes weapons to use**
- **DoD ensures that all US weapons are in compliance with US obligations under LOAC**
- **Issued weapons have been approved.**
 - **No unauthorized alterations or modifications**





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Weapons (cont'd)

- **Biological weapons**
 - Prohibited by 1925 Geneva Protocol.
- **Nuclear Weapons**
 - US position: Use of nuclear weapons is not unlawful
 - *Subject to political restraints & int'l law*





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Weapons (cont'd)

- **Gases/Chemical weapons**
 - **Use of choking agents, poisonous or other gases is prohibited.**
 - **However, US reserves the right to respond in kind if attacked with chemical weapons.**
 - **Chemical Weapons Convention ratified by US in April 1997**
 - **Prohibits production, stockpiling and use (even in retaliation) but US will use if used against US interest.**





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Medical Personnel

- Are noncombatant military personnel
- Are not subject to attack if performing only medical duties
- May carry arms solely to protect themselves and patients from illegal attack

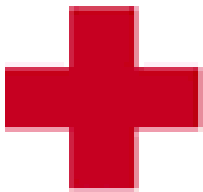




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Protective Signs and Symbols

- Established to identify medical personnel and equipment, the sick and wounded, civil defense activities, neutral zones, POW camps, and internment camps
- Examples are the Red Cross, Red Crescent, and Red Lion





Protective Signs & Symbols (cont'd)

- Any use of these symbols to mislead the enemy into thinking a person or activity is protected, if that is not the case, is forbidden
- Under customary international law, the white flag is recognized as symbolizing a request to negotiate or surrender
 - LOAC forbids deliberate misuse of this symbol in an attempt to gain advantage over the enemy





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Cultural Property

- 1954 Hague Cultural Property Convention
 - **Prohibits targeting cultural property**
 - **Set forth conditions when cultural property may be attacked or used by a defender**



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Status of Terrorists

- **To be protected by LOAC, persons must**
 - **be commanded by a person responsible for subordinates**
 - **have a fixed, distinctive sign recognizable at a distance**
 - **carry arms openly**
 - **conduct their operations IAW LOAC**





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Status of Terrorists (Cont'd)

- **Terrorist groups are not protected by LOAC**
- **Terrorists are considered common criminals**
 - **Not entitled to POW status**
 - **May be tried for criminal or unlawful acts**
 - **Weapons and ruses otherwise not permitted under LOAC may be used against terrorists when directed by appropriate command authority**



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Treatment of POWs

- **POWs receive special protection under LOAC. Includes:**
 - **Combatants**
 - **Civilians who accompany the armed forces**
 - **Crew members of both the merchant marine and civil aircraft of parties to the conflict. Since it is not always clear who is a combatant and who is not, U.S. policy is to treat all people as POWs until their status can be determined.**
- **Must be returned at the end of the conflict.**





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Treatment of POWs (Cont'd)

- **Must be treated humanely and protected against violence, intimidation, insults, and public curiosity**
 - **Violation of LOAC**
 - Gulf War - Saddam paraded allied POWs on television
 - Forced to read false prepared statements
- **When captured, US forces**
 - **Are required to disclose only name, rank, date of birth, and service number according to Code of Conduct**
- **Torture, threats, or other coercion may not be used to obtain information**





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LOAC

Violations

- **Report to your immediate commander**
- **If the commander may be involved, go up the chain of command**
- **Not reporting a violation is a violation in itself**





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(Cont'd)

- If given an order by your superior that appears to violate LOAC, discuss the order up the chain of command, IG, Chaplain or JAG
- Committing a LOAC violation because you were ordered to will not excuse you from punishment
- LOAC violations may be prosecuted under the UCMJ





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LOAC Violations (Cont'd)

■ Violations punishable via UCMJ: Examples -

- Article 92 - Dereliction, Disobedience
- Article 118 - Murder
- Article 120 - Rape
- Article 124 - Maiming
- Article 128 - Assault





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Conclusion

Questions or Comments